

3317. Misbranding of sorghum compo. U. S. v. 100 Cases, More or Less, of So-called Sorghum Compo. Order releasing the product on bond. (F. & D. No. 5120. S. No. 1744.)

On or about April 1, 1913, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of so-called sorghum compo, remaining unsold in the original unbroken packages and in possession of the Lehmann-Higginson Grocery Co., Wichita, Kans., alleging that the product had been shipped on or about November 21, 1912, by the J. C. Hubinger Bros. Co., Keokuk, Iowa, and transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. Fifty of the cases were labeled: "12 Cans 5 lbs. Always Good Sorghum Compo. Lehmann Higginson Gro. Co., Wichita, Kansas. B. 709-11-19-12." The cans in all the cases were labeled: "6 Cans 10 lbs. Always Good Sorghum Compo. Lehmann Higginson Gro. Co., Wichita, Kansas. B. 709-11-19-12." The remaining cases were labeled: "24 Cans 2 lbs. Always Good Sorghum Compo. Lehmann Higginson Gro. Co., Wichita, Kansas. B. 709-11-19-12." The cans in all the cases were labeled: "Always Good Brand Sorghum Compo. Always good brand. Distributed by Lehmann Higginson Gro. Co., Wichita, Kans." (In small letters) "Corn Syrup 85%, molasses 15%."

Misbranding was alleged in the libel for the reason that the product was not a sorghum compound as expressed upon the label thereon, but was a mixture of glucose and molasses, in which the constituent glucose predominated, and was further misbranded in that no sorghum sirup appeared to be present in said mixture; and further that said label was false and misleading in that it led the consumer to believe that said sorghum compo was composed of sorghum sirup and molasses, when, in truth and in fact, it was composed of glucose and molasses, with the constituent glucose predominating, and did not contain sorghum sirup as indicated and recited by said label.

On April 14, 1913, the said Lehmann-Higginson Grocery Co., claimant, having filed its claim and moved the court for an order releasing the product, it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and execution of bond in the sum of \$500, in conformity with section 10 of the act. It was further ordered that the product should be relabeled in conformity with the analysis thereof by the Department of Agriculture, and that all other labels and marks on the containers of the product should be obliterated and canceled.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 20, 1914.

3318. Adulteration and misbranding of stock feed. U. S. v. 40 Sacks of Dairy Feed, 60 Sacks of Sweet Feed, and 240 Sacks of Molasses Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5183. S. No. 1787.)

On April 28, 1913, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 sacks of dairy feed, 60 sacks of sweet feed, and 240 sacks of molasses feed, each sack containing approximately 100 pounds, remaining unsold in the original unbroken packages and in possession of the Interstate Brokerage Co., Quitman, Ga., alleging that the product had been shipped on or about March 29, 1913, by the Ozark Feed Co., Neosho, Mo., and transported from the State of Missouri into the State of Georgia, and charging adulteration